ON FIRE WITH ECZEMA COMMISSION OF APPEALS.

perrible Sufferings of Little BabylSeven poctors and Two Hospitals Fail. Cured by Cuticura.

by boy, 5 months old, broke out with
The itching and burning was intense;
can spread to his limbs, breast, face and
all he was nearly covered; his torturing
were pitiable to behold; he had no
peace and but little rest
night or day. He was
under treatment at different times at two hospitals and by seven doctors in this city without the least

modern times, instantly re-izing forms of ecrema and

OLD FOLKS' PAINS.

them. Nicely sugar conted.



arl top" and are made of tough rarely break from accident.

DECISIONS RENDERED AT THE AUSTIN SITTING.

The Findings-Hon. Edwin Hobby, P. J. W. E. Collard and D. P. Marr, Judges. Charles S. Morse, Clerk.

L. Richardson vs. the City of Dallas; from Dallas. Tresspass to try title. I. Frick was properly permitted to contradict the consideration recited in the deed from him to Keller. 2. The evidence shows that him to kener. 2. The evidence shows that land in controversy has been used as a public street for more than ten years. 3. It is not requisite to a dedication to public use that the use should continue for any particular time. If the owner by deed or other unequivocal act, or declaration, manifest the intention to set apart the property for such public use, and this has been acted on by others it is sufficient under the authorities. When use alone is relied on, it has been held that six or eight years of such uninterrupted use was adequate. But no the presumption. [22 Tex., 100.] Affirmed. Hobby, P. J. David Dodge vs. J. Knight et al.; from

Wichita. Suit by appellant to recover damages for the alleged wrongful and ma-licious levying of attachments on his prop-1. Household and kitchen furniture used in a restaurant beyond that which is used for the family, is not exempt from forced sale and attachment [56 Tex., 314]. 2. When a party consents to an attachment proceeding against his property, he can not ubsequently be heard to complain, Affirmed. Hobby, P. J.

E. S. Seay et al. vs. Diller Bros.; from Shackleford. Suit by defendant in error for breach of contract by plaintiffs in error to deliver certain cattle as per contract.

1. The petition alleged \$1000 damages by reason of 473 head of cattle being delivered later than the contract called for, and claimed damages amountcalled for, and chaimed damages amount-ing to \$671 for the non-delivery of 197 head. Held: The petition stated a cause of action within the jurisdiction of the district court. 2 Where there is no statement of facts in the record the rule is well settled that error in the charge wi not afford ground for reversal, if it is possible to sustain the verdict under the aver-ments, and any proof which would have been made in their support, [54 Tex., 454.]

T. J. Martin vs. Burns, Walker & Co. et d to all of the absolute presumption obtain in favor of the judgments of domestic courts of general jurisdic-Where the case is within the jurisdiction of the court and no fact appears affirmatively in the record sufficient to lefeat jurisdiction, evidence aliunde even where the judgment is silent as to the pro ess or its service, will not be heard to ontradict the presumption of regularity, r to establish a fact outside of the record for the purpose of showing that jurisdiction over the person did not in fact attach and n and service, that controls the f the record; otherwise if it recites ants "was unknown to affiant," and was duly executed. We must presume that it was undue form of law and cited each of the two defendants comprising the firm.

Gulf, Colorado and Santa Fe Railway vs. B. S. King; from Collin. Suit for injunction to restrain the levy of an execution. 1. The portion of appellant for injunction recited following facts: That appellee inst. ted suit in justice court to recover \$20 damages for obstructing a road by appellant, cutting off appellee from his wood land. That there had been one mistrial of

the cause our judgment for appellee, which was subsequently set aside and a new trial granted; that the case by agreement of counsel was set for a day certain, before the time set counsel for appellee called up the case and took judgment; that appellant had a good defense in that the obstruction was not on a public road, but a private road, and that appelled had no land adjacent thereto; that said judgment was procured through no fault of appellant, and that execution on said judg-ment was about to be levied on its upporty ent was about to be levied on its property Held: A proper case for injunction was shown, and the court erred in sustaining a demurrer to the petition. Reversed and

remanded. Collard, J.

H. B. Cotton, trustee, vs. H. S. Lyter & Co.; from El Paso. Suit by appellant to re-cover damages for the excavation and re-moving of brick clay from his land. On the trial the court refused to permit appel-lant to introduce his title deeds in evidence because same were not filed three days before the trial, nor were certified copies thereof, and notice given. Appellant then moved to withdraw his announcement, which was refused. He then offered to prove his title by parol evidence, which was also refused. Appeliant then took a non-sult and in due time filed a sworn motion to set aside the non-suit, alleging that unless the non-suit was set aside and the cause re-instated his cause of action would be barred by limitation. The motion also set out that there was an agreement that the deed might be read from the records, or certified copies might be read as the originals might be and that counsel construed the agreement as a waiver by counsel for appellee of the filing and notice of the deeds. Appellees answered saying that they agreed a few minutes before the trial that the records might be used as the original deeds, but that they never agreed that they would that they never agreed that they would waive filing and notice of the same. Held: 1. The court erred in refusing to set aside the non-sult and reinstate the cause. The cause was not barred by reason of the non-suit, and if same had been granted would have stood as if no action had ever been taken. 2. Under the circumstances the court should have allowed appellant to withdraw his announcement. Reversed and remanded. Collard, J.



Reappointed Judge.

JACKSON, Mrss., May 8.—Governor Stone has reappointed Hon. Thomas H. Woods judge of the supreme court. Judge Woods was appointed by Governor Lowry some eighteen months ago to fill out the unexpired term of Judge Arnold, resigned. The appointment proved so satisfactory that the bar very generally recommended Judge Woods as his own successor. The appointment is for nine years.



BALTIMORE, MD., May 8.—The Manufacturers' Record this week publishes a list of every cotton seed oil mill in the South, giving name, location and capacity of each. The report shows 194 mills with capital of ever \$30,000,000, against forty mills with capital of \$3,500,000 in 1890. Forty of these mills have established fertilizer factories in connection with their oil business using cotton seed medias a basis for manufacturing fertilizer.

ith the action of ends red blood to a sates appetite, aids NINE HOURS.

One Firm Yields to the Demand-Picule for Colored Children at Dallas-The Oak Cliff Barbecue.

Special to the Gazette. Dallas, Tex., May 8.—The status of the strike is not materially changed since yes-terday, further than the fact that a few more men are out at various points around town. The cable road this morning brought in some workmen from their power house and began placing the iron work in its proper position in the trenches already dug, but no attempt was made to excavate more trenches. Contractor Loonie of the Jackson street sewer to-day granted his men nine hours as a days' work at their old pay, with the understanding that ten hours was to

the universatiating that ten hours was to be again adopted on next Tuesday in case the nine-hour system was not adopted on other work throughout the city.

This day was set apart by the directors of the city schools for the annual picuic of the colored school children. This morning the school headed by a band marched down Flux street to the countriouse where care the school needed by a band marched down Elm street to the courthouse where cars were in waiting to conduct them to the fair grounds. At the ground the children had a generally good time, about 1490 being present. The street car lines carried the children free, the same as they did the white children a week ago. The directors was all present and did help her to the same as they did the white children a week ago. were all present and did their best to make the day a pleasant one for their colored At a late hour the children were

brought back to the city, all well pleased with their day's outing. The barbecue and musical entertainment at Oak Cliff park for the benefit of the Girls' co-operative home, has been a great success. In the morning the Federgreat success. In the morning the Feder-ation of Labor paraded the streets and went in a body to the grounds. Gen. B. F. Cable was marshal of the day and, with other distinguished speakers, addressed the crowds assembled. At 2 o'clock a sumptu-ous dinner was served and freely partaken by all. After the dinner the Dallas juvenile minstrels gave an entertainment in the Park theater and the performance will be repeated to-night. The proceeds were large and greatly appreciated by the ladies who have in charge the erection of the home.

SUPREME COURT.

Findings of the Higher Court Yesterday. Business Transacted.

Brown: Beckenridge vs. Milan, fron Reversed and remanded-Ricker, Lee &

Co. vs. Shoemaker, from Dallas.

Rehearing granted and case sent to Galveston—City of Galveston vs. Dazet, from Galveston; Gulf, Colorado and Santa Fe Rallway Company vs. Necko, from Harris. Rehearing refused—King and Fordtran ws. Brown, from Val Verde; Byars et al. vs.
Thomson et al., from Colorado; Thomas vs.
Morris, from Brazos; Western Union Tele-graph Company vs. Hoffman, from Mont-gomery county; Western Union Telegraph Company vs. Rousenstetter, from Wash-ington; Dels vs. Winfree, Norman & Pear-son, from Collyston.

son, from Galveston Precedence granted-Arbuckle vs. State, from Travis Precedence refused-Bexar County, vs. Herff and Dittmar, from Bexar.

The last call of the second assignment

was made to-day, and the third assignment will be taken up next week. Attacked With a Knife.

special to the Gazette. ATLANTA, TEX., May 8.-John Bar made an attack upon Frank Allday o third party prevented a serious affa

Fell from a Wagon and Killed Correspondence of the Gazette. HOLLAND, TEX., May 7 .- A little John Smith, a farmer living several mile east of here, while returning home yester day, fell from the wagon and was run over by a wheel, and died a few hours after-wards.



ONE ENTOYS

Both the method and results when Syrup of Figs is to.; it is pleasant and refreshing to the taste, and acts gently yet promptly on the Kidneys, Liver and Both cleanses the system effectually, hispers colds, headaches and fevers and curst habitual constitution. aches and fevers and cures habitual constipation. Syrup of Figs is the only remedy of its kind ever produced, pleasing the taste and acceptable to the stomach, prompt in its achored trult beneficial in its effects, prepared only from the most healthy and agreeable substances, its many excellent qualities commend it to all and have make it the most popular renedy known.

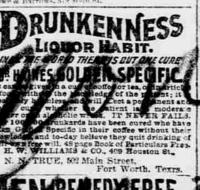
Syrup of Figs is for sale in 50c

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Capital, - \$50,000. Collections made on all Panhandle pairs.

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FORT WORTH, TEXAS.

This hotel has just been thoroughly renovated, and under the new management made the best the state. Commodious sample rooms recently secured. Commercial travel especially solicited. G. D. HODGES, Formerly with the Leland, N. Y., MANAGER.

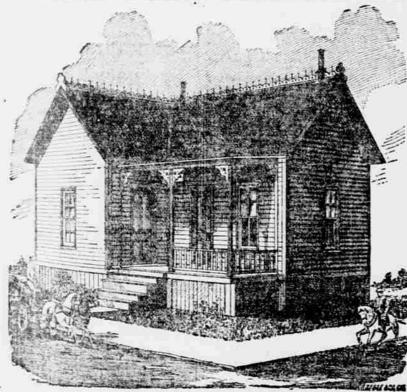
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In or near Fort Worth as the tract of land located on high land overlooking all of Fort Worth known as BEAUTIFUL

Since the property was put on the market extensive improvements have been made by Mr. Ryan. Sixty-five elegant residences are being built and under contract.



THIS IS A CUT OF THE \$500 COTTAGE.

REMEMBER!

These Residences an Given Away to Lot Purchasers

The attractions offered by Lexington Heights are proximity to the heart of the city. An electric car line, fully equipped, now runs near the property and Mr. Ryan will build

A Rapid Transit Car Line Through Lexington Heights.

There is artesian water on the property. The finest highway, passable in all kinds of weather, leads direct to the city from the addition. There were 650 lots at first, but over one-half have already been sold. The people of Fort Worth and Texas recognize this addition as the cream of suburban property.

A Large Campus and \$2,000 Schoolhouse

Will be given in fee simple to the purchasers of lots for school and town hall purposes. Each lot is 50x125 feet, fronting broad streets. Alleys back of all lots.



10 Cash and \$10 Per N these Lots Cost but \$200

No Interest and No Taxes for 2 Years.

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